

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1277.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CODERRE'S INFANTS' SYRUP.

On March 30, 1911, the United States Attorney for the District of Massachusetts, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against George Mortimer & Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about July 15, 1910, from the State of Massachusetts into the State of Pennsylvania, of a quantity of a drug product called Coderre's Infants' Syrup, which was misbranded. The product was labeled: On bottle: "Dr. J. Emery-Coderre's Infants' Syrup . . . contains $\frac{1}{3}$ grain of morphine, 2% alcohol in each ounce . . . prepared with the approbation of the Professors of the Montreal School of Medicine and Surgery Medical Faculty of Victoria College . . . Manufactured by the Franco American Chemical Co. Montreal, Canada; Boston, U. S. A." On circular enclosed with the product: "This Syrup can be given in all confidence to infants in cases such as Colic, Diarrhoea, Dysentery, Painful Dentition, Inability to Sleep, Coughs, Colds, &c., &c. A Reliable Soothing Syrup."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Specific gravity (15.6° C.), 1.243; morphine, about one-fourth grain per ounce; total solids, 58.71 per cent; ash, 0.98 per cent; alcohol, 1.85 per cent; potassium, present; phosphates, trace; oil anise, present. Misbranding was alleged in the first count of the information for the reason that there appeared upon the package containing said drug a certain statement which was false and misleading in a certain particular, that is to say, the statement in substance and effect that said drug could be given in full confidence to infants in cases such as colic, diarrhoea, dysentery, painful dentition, inability to sleep, coughs, and colds, thereby leading purchasers to believe that said drug could be administered by a person though unskilled in its use, to infants with safety to the health and lives of such

infants, when in fact said drugs could not be administered to infants by persons unskilled in the use of said drugs without endangering the health and lives of such infants, and further because said drugs contained morphine, a harmful and powerful drug, which if administered to infants by persons that had not expert knowledge of its use and effect would endanger the lives and health of such infants. Misbranding was alleged in the second count of the information for the reason that the package containing said drug failed to bear a statement of the amount of morphine and alcohol contained in said drug in accordance with the regulations for the enforcement of the Food and Drugs Act, that is to say, the quantity of said morphine and alcohol contained in said drugs was declared upon the package in type smaller than eight point (brevier) capitals, contrary to the aforesaid regulations.

On April 12, 1911, the defendant corporation pleaded guilty and was fined \$150.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 9, 1912.*